



California State Board of Education Policy

POLICY #

01-03

DATE

April 2001

WAIVER GUIDELINES

Independent Study: Average Daily Attendance (ADA)-to-Teacher Ratio

REFERENCES

Education Code Section 33050 et seq. (General waiver authority)
Education Code Section 51745.6 (Ratio of independent study ADA-to-certificated employees responsible for independent study)

HISTORICAL NOTES

None.

Education Code Section 51745.6

(a) The ratio of average daily attendance for independent study pupils 18 years of age or less to school district full-time equivalent certificated employees responsible for independent study, calculated as specified by the State Department of Education, shall not exceed the equivalent ratio of pupils to full-time certificated employees for all other education programs operated by the school district. The ratio of average daily attendance for independent study pupils 18 years of age or less to county office of education full-time equivalent certificated employees responsible for independent study, to be calculated in a manner prescribed by the State Department of Education, shall not exceed the equivalent ratio of pupils to full-time certificated employees for all other educational programs operated by the high school or unified school district with the largest average daily attendance of pupils in that county. The computation of those ratios shall be performed annually by the reporting agency at the time of, and in connection with, the second principal apportionment report to the Superintendent of Public Instruction.

(b) Only those units of average daily attendance for independent study that reflect a pupil-teacher ratio that does not exceed the ratio described in subdivision (a) shall be eligible for apportionment pursuant to Section 42238.5, for school districts, and Section 2558, for county offices of education. Nothing in this section shall prevent a school district or county office of education from serving additional units of average daily attendance greater than the ratio described in subdivision (a), except that those additional units shall not be funded pursuant to Section 42238.5 or Section 2558.

(c) The calculations performed for purposes of this section shall not include either of the following:

(1) The average daily attendance generated by special education pupils enrolled in special day classes on a full-time basis, or the teachers of those classes.

(2) The average daily attendance or teachers in necessary small schools that are eligible to receive funding pursuant to Article 4 (commencing with Section 42280) of Chapter 7 of Part 24.

(d) The pupil-teacher ratio described in subdivision (a) in a unified school district participating in the class size reduction program pursuant to Chapter 6.10 (commencing with Section 52120) may, at the school district's option, be calculated separately for kindergarten and grades 1 to 6, inclusive, and for grades 7 to 12, inclusive.

Background

The purpose of the ADA-to-teacher ratio requirement in state law is to ensure the students served through independent study receive access to instruction and support from appropriately certificated staff that is reasonably comparable to other students in the local education agency who are served in regular classroom programs. The requirement was enacted specifically to stop perceived abuses where local education agencies offered independent study with very high ADA-to-teacher ratios and, as a result, generated revenues to support other educational programs within those agencies.

California State Board of Education

721 Capitol Mall, Room 558
Sacramento, California 95814
(916) 657-5478
(916) 653-7016 (fax)

**Independent Study: Average Daily Attendance (ADA)-to-Teacher Ratio**

Changes in statute which offered incentives to lower class sizes at the elementary and high school level have resulted in a commensurate lowering of the ADA-to-teacher ratio for independent study, even though independent study is not allowed to participate in the funding incentives for these programs. In addition, students in independent study may actually have a greater need for services in some areas, such as instructional materials, computer labs, and counseling services, than do students served in a classroom setting.

Evaluation Guidelines

The purpose of the waiver request of the entire Education Code Section 51745.6 may be to provide a quality educational program which is “reasonably comparable” to that provided to students within the same local education agency who attend regular classrooms, and may also be considered appropriate if the purpose of the higher ADA-to-teacher ratio is to redirect resources to pay, for other services for the direct benefit of students in independent study, such as intensive counseling services provided by appropriately credentialed staff.

In order to evaluate any such waiver request, the State Board of Education asks that those local education agencies applying for such a waiver provide the following documentation. The State Board also asks that California Department of Education (CDE) professional staff use this documentation in reviewing and making recommendations about the request. The waiver request should include all of the following:

- (1) Verification that all other requirements of the independent study option in the local education agency are in current statutory compliance, in both operation and documentation.
- (2) Verification of the local education agency’s current ADA-to-teacher ratio, as calculated under the current formula in statute (Education Code Section 51745.6).
- (3) The requested “new” maximum ADA-to-teacher ratio for the local education agency’s independent study program, including a description of the agency’s independent study program and the rationale for the requested ratio. The rationale should explain how the proposed change would improve the quality of education offered to independent study students (e.g. what new or increased services would be provided with the additional revenue claimable through the waiver).

In addition, the waiver request must provide assurances that the local education agency will meet the following terms as a condition of approval of the waiver:

- (1) The waiver request is consistent with the general purpose of the law as described above.
- (2) The request for a new maximum ADA-to-teacher ratio for the independent study is not greater than 10% above the ratio that would be applicable absent the waiver, and this agreed “new maximum ratio” will be maintained in all future years of the waiver.
- (3) The district will expend all revenues generated by students in independent study on services for those students, recognizing the need to allow for reasonable indirect cost charges.
- (4) The local educational agency will provide an annual report of expenditures and assurances to the CDE, using the standard report form supplied, the Local Education Agency Report to California Department of Education: Use of Apportionment Funds Generated by Students in Independent Study.